Executive Registry

6-292/

OGC Has Reviewed

NOV 19 1954

MEMORANDUM FOR : General Counsel

THROUGH : Deputy Director/Administration

SUBJECT : Legal Standards Relevant to Inspector General Cases

REFERENCE : Office of Personnel Memorandum No. 20-605-6, subject: "Tentative Determination of Salary Rates", dated 8 November 1954.

1. Referenced memorandum contains the following:

"...recently, in Decision B-118963, the Comptroller General ruled that an erroneous overpayment to an employee through administrative error must be recovered from the employee."

2. It is important to my Staff, as I am sure you realize after our discussions last Wednesday, that we understand the full effect of rulings such as this, both as such rulings affect Inspector General activities and as they affect activities of the administrative offices. The following questions come to mind:

a. Is the quoted ruling a general ruling applicable to all cases, or is it one of those rulings which can only properly be applied in the circumstances of the case which made it necessary and cases of close similarity?

b. If the ruling is one of universal application, are there any mitigating circumstances which would temper application of the rule? For example: Is there a period of time within which the Government must take action to recover erroneous overpayments or lose its rights? If an overpayment is made with an intent to trap an employee in a position where, because of inability to repay, he could be compelled to resign, might not such an overpayment be nonrecoverable?

c. Should rulings of this sort be notified to administrative components without recognition of circumstances arising out of CIA operations which make it necessary in some cases to consider special requirements which cannot be covered by rules of apparent general application (for example,

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Lyman B. Kirkpatrick
Inspector General

cc: DD/A